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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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RYAN GREGORY BRACKEN,

Plaintiff,

v.

FREEDOM MORTGAGE,

Defendant.

ORDER ADOPTING REPORT AND  
RECOMMENDATION

Case No. 2:23-cv-00528-JNP-DAO

District Judge Jill N. Parrish

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Magistrate Judge Daphne A. Oberg issued a Report and Recommendation, ECF No. 7, that the court deny plaintiff Ryan Bracken’s motion to proceed *in forma pauperis*, ECF No. 1. Judge Oberg reasoned that because Bracken provided virtually no information regarding his finances in support of his motion, he had failed to show a financial inability to pay the filing fee.

Bracken filed an objection to the Report and Recommendation. He did not provide any additional information regarding his finances to support his motion to waive the filing fee. Nor is the court able to discern any meaningful objection to the reasoning of the Report and Recommendation. *See United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996) (“[A] party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court . . .”). Because Bracken did not articulate any comprehensible objection to the Report and Recommendation, any such argument has been waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so

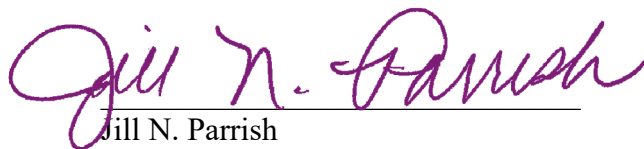
dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). In determining whether the interests of justice require an exception to the waiver rule, the Tenth Circuit has “considered factors such as ‘a *pro se* litigant’s effort to comply, the force and plausibility of the explanation for his failure to comply, and the importance of the issues raised.’” *Duffield v. Jackson*, 545 F.3d 1234, 1238 (10th Cir. 2008). The interests of justice may also require an exception to the waiver rule if the Report and Recommendation is plainly erroneous. *Morales-Fernandez v. I.N.S.*, 418 F.3d 1116, 1120 (10th Cir. 2005).

The court has reviewed the Report and Recommendation and has not identified any plain error contained therein. Nor has the court discerned any other reason to deviate from the waiver rule. Accordingly, the court ADOPTS IN FULL the Report and Recommendation and DENIES Bracken’s motion to proceed *in forma pauperis*. ECF No. 1.

The court ORDERS Bracken to pay the filing fee for his lawsuit by December 28, 2023. If Bracken does not pay the fee by this date, the court will dismiss this action without prejudice.

DATED November 29, 2023.

BY THE COURT



Jill N. Parrish  
United States District Court Judge